

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Michael G. Liffrig,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING DEFENDANT'S</b>
	)	<b>MOTION FOR WAIVER OF</b>
vs.	)	<b>REQUIREMENTS OF LOCAL RULE</b>
	)	<b>79.1(D)(5)</b>
Federal Election Commission,	)	
	)	Case No. 1:05-cv-123
Defendant.	)	

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Local Rule 79.1(D)(5) provides the following with respect to appearances by non-resident attorneys of the United States Government:

Any attorney representing the United States Government, or any agency thereof, and who has been admitted to practice in any court of the United States or in the highest court of any state, but who is not qualified under this rule to practice in this court, may appear and participate in a case in an official capacity. If the government representative is not a resident of this district, that attorney must designate the United States Attorney for this district for the purpose of receiving service of notices, with service on the United States Attorney constituting service upon the government.

On January 11, 2006, the defendant Federal Election Commission (the "Commission") filed a motion requesting the court to waive the requirements of this rule so as to permit it to receive directly service of papers in this case. It maintains that the requirements of this rule produce a result inconsistent with the intent of Congress when established the Commission's independent litigation authority.

Having reviewed the Commission's motion and accompanying brief, the court finds there is good cause to waive the requirements of Local Rule 79.1(D)(5) in this case. Accordingly, the court **GRANTS** the Commission's Motion for Waiver of Requirements of Local Rule 79.1(D)(5). The Commission is authorized to represent itself and directly receive service of process.

**IT IS SO ORDERED.**

Dated this 12<sup>th</sup> day of January, 2006.

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/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge